

IV. Remarks

Applicants request that the claims of the above referenced application be amended as indicated by this amendment taken in connection with the following remarks.

In the subject Office Action, the Examiner rejected the pending claims except Claims 5, 10 through 15, 22 and 27 through 32 which were indicated as objected to as allowable if amended to incorporate the elements of their base and any intervening claims. Claims 7 and 24 were further objected to as containing informalities. Applicants respectfully submit that the pending application is in condition for allowance in view of the appended claim amendments and following remarks.

The Examiner's objections to Claims 7 and 24 based on informalities are corrected by amendments to those claims through this response. The Examiner rejected a number of claims under 35 U.S.C. §102 in view of Eipper et al., U.S. Patent No. 6,224,120. Applicants respectfully submit that the claims as amended herein are patentably distinct from the Eipper reference. The Eipper reference discloses a retractable front grill which closely conforms to the front end surface of a motor vehicle. The retractable grill or bow is provided for impact protection, yet is retractable to permit easy parking and clearance of the vehicle of obstructions. Although the extendible bow is provided for impact protection, it is not provided for the purpose of the present invention; namely, reducing injury to pedestrians. In accordance with the present invention, the grill is placed in an extended position to reduce injury to pedestrian through providing energy absorption as the grill is stroked toward the vehicle through deformation of the actuator or energy absorbers coupled with or part of the actuator. Thus, the energy absorbing characteristics in

accordance with the present invention are particularly adapted for the kinds of impact forces encountered in the event of striking pedestrians.

The Eipper reference, in fact, teaches precisely away from the present invention. For example, in Eipper, column 2, lines 31 through 35, it is stated "As a result of the pulled-back position of the frame, a front protection bow is created which presents a clearly reduced risk of injury in the event of frontal impact involving persons" (emphasis added). Thus, Eipper discloses retracting the bow to reduce pedestrian impact, whereas the present invention involves extending the bow (or grill) to reduce pedestrian impacts. In the extended position, the grill can stroke toward the vehicle to dissipate collision forces. In Eipper, the retracted bow cannot absorb forces in this manner. The grill of the present invention features energy adsorption characteristics associated with pedestrian impacts. The bow of Eipper is much stiffer since it is designed for vehicle or fixed object impacts. The Eipper design would exacerbate the problem the present invention seeks to address. Since the Eipper reference precisely teaches away from the present invention, it is submitted as not being an appropriate ground for rejection with regard to the claims amended herein.

With respect to the claims, independent Claims 1 and 19 are amended to recite that pedestrian impact protection is provided through energy absorption provided through a retraction motion of the grill against the actuator. Thus, the grill and actuator are particularly designed for absorbing impact forces encountered in striking a pedestrian. Applicants respectfully submit that these independent claims are patentably distinct from the Eipper reference.

In response to the Examiner's indication of allowability of the subject matter of a number of the claims, new claims are incorporated herein. For the Examiner's

convenience, the following is a chart relating the new claims with the objected to claims.

NEW CLAIMS	INCLUDING THE ELEMENTS OF CLAIMS
36	1 and 5
37	1 and 10
38	11
39	1 and 12
40	13
41	1 and 14
42	15
43	19 and 22
44	19 and 27
45	28
46	19 and 29
47	30
48	19 and 31
49	32

In view of the Examiner's indication of allowable subject matter in the objected to claims, Applicants respectfully submit that new Claims 36 through 49 are in condition for allowance.

Respectfully submitted,



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Date